



February 14, 2018

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

SENT BY EMAIL:
commentletters@waterboards.ca.gov



Re: Comment Letter- Proposed Amendment to the Statewide Industrial General Storm Water Permit

Dear Chair Marcus and Members of the Board:

Thank you for the opportunity to provide comments on the Proposed Amendment to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit), which was released on December 15, 2017. The Industrial Environmental Association (IEA) is a consortium of commercial and industrial members, many of whom are regulated industrial dischargers. Our members strive to achieve a balance between environmental protection, public health, and economically sustainable growth. The comments contained herein have been prepared in collaboration with the Building Industry Association of San Diego County and the San Diego Chamber of Commerce, whose logos are reflected at the top of this letter.

We appreciate the open communication and public involvement that the State Water Resources Control Board (SWRCB) staff has fostered during the development of the Proposed Amendment. Furthermore, we are pleased that the proposed amendment includes Compliance Options as a method for compliance with specific General Permit provisions.

Our primary concerns related to the Proposed Amendment are summarized below. A complete detail for each of these comments is shown on the attached matrix, and also includes our suggested changes.

1. Total Maximum Daily Load (TMDL) Numeric Action Levels (TNALs) established when target deadlines are beyond General Permit's Term

The SWRCB staff proposes TNALs when compliance deadlines are beyond this General Permit's term. As discussed in the Fact Sheet, Waste Load Allocations that are translated into TNALs are not enforceable. Leaving TNALs in the amendment only creates confusion and establishes a condition that could likely cause inappropriate threats of law suits from citizen groups. Accordingly, we recommend that TNALs be removed from the Proposed Amendment. However, we do see the importance of informing industry of future TMDL targets that need to be achieved and suggest that these targets be included in the Fact Sheet as an informational item that is not enforceable in this General Permit.

2. Regulation and protection of groundwater by an NPDES Permit

As authorized by the Clean Water Act (CWA), the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The proposed amendment includes provisions that expand this authority to regulate discharges to groundwater, which are not waters of the United States. We recognize the importance of protecting groundwater that have beneficial uses. Accordingly, we suggest that the SWRCB establish streamlined General Waste Discharge Requirement (WDR) that apply to infiltration Best Management Practices (BMPs). The General WDR could rely on the future work product that will be developed under RFQ No. 17-083-250 entitled, Statewide Standards for Storm Water Capture and Infiltration Dry Wells. In the interim, the implementation of infiltration BMPs would rely on Best Professional Judgment by a California licensed professional engineer.

3. TMDL Applicability

There is a significant amount of confusion about which TMDLs apply to an industrial facility. The scenarios are numerous and complex. For example, many are uncertain if a facility is subject to a TMDL if the facility discharges to an unimpaired segment of a receiving water that then flows to a downstream segment that is impaired and has a TMDL. We request that the SWRCB develop specific instruction so that a discharger can determine which TMDLs apply to their facility.

4. Amendment Effective Date

It is impracticable for industry to immediately comply with the TMDLs. Accordingly, we request sufficient time between the Permit Amendment adoption date and its effective date be provided. This is necessary to plan, design, permit, construct, and commission the BMPs necessary to comply with the TMDLs. Our experience indicates that it takes approximately two years to implement advanced BMPs from the time of concept to completion of construction. We also recommend the amendment include discussion on the steps needed to seek a time scheduled order in accordance with Section 13300 of the California Water Code if additional time is necessary to implement advanced BMPs.

Thank you for your consideration of these comments. We look forward to continued discussions with the SWRCB staff by providing constructive comments/recommendations that foster implementation practicability and flexibility while protecting the environment.

Sincerely,



Jack Monger
Chief Executive Officer



Edward Othmer, PE, CPESC, CPSWQ, QSP/D ToR, QISP ToR, ENV SP, PMP
President

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
General Comment 1	Total Maximum Daily Load (TMDL) Numeric Action Levels (TNALs) established when target deadlines are beyond General Permit's Term	Throughout	<p>The SWRCB staff proposes TNALs when compliance deadlines are beyond this General Permit's term. As discussed in the Fact Sheet, Waste Load Allocations that are translated into TNALs are not enforceable. Leaving TNALs in the amendment only creates confusion and establishes a condition that could likely cause inappropriate threats of law suits from citizen groups. Accordingly, we recommend that TNALs be removed from the Proposed Amendment. However, we do see the importance of informing industry of future TMDL targets that need to be achieved and suggest that these targets be included in the Fact Sheet as an informational item that is not enforceable in this General Permit.</p> <p>If the SWRCB decides to retain TNALs in the Permit Amendment, then applicable comments presented below should be considered.</p>

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
General Comment 2	Regulation and protection of groundwater by an NPDES Permit	Attachment I	<p>As authorized by the Clean Water Act (CWA), the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The proposed amendment includes provisions that expand this authority to regulate discharges to groundwater, which are not waters of the United States. We recognize the importance of protecting groundwater that have beneficial uses. Accordingly, we suggest that the SWRCB establish streamlined General Waste Discharge Requirement (WDR) that apply to infiltration Best Management Practices (BMPs). The General WDR could rely on the future work product that will be developed under RFQ No. 17-083-250 entitled, Statewide Standards for Storm Water Capture and Infiltration Dry Wells. In the interim, the implementation of infiltration BMPs would rely on Best Professional Judgment by a California licensed professional engineer.</p> <p>If the SWRCB decides to retain language regarding protection of groundwater in the Permit Amendment, then applicable comments presented below should be considered.</p>

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
General Comment 3	TMDL Applicability	Throughout	<p>There is a significant amount of confusion about which TMDLs apply to an industrial facility. The scenarios are numerous and complex. For example, many are uncertain if a facility is subject to a TMDL if the facility discharges to an unimpaired segment of a receiving water that then flows to a downstream segment that is impaired and has a TMDL. We request that the SWRCB develop specific instruction so that a discharger can determine which TMDLs apply to their facility.</p>
General Comment 4	Amendment Effective Date	Cover	<p>It is impracticable for industry to immediately comply with the TMDLs. Accordingly, we request sufficient time between the Permit Amendment adoption date and its effective date be provided. This is necessary to plan, design, permit, construct, and commission the BMPs necessary to comply with the TMDLs. Our experience indicates that it takes approximately two years to implement advanced BMPs from the time of concept to completion of construction. We also recommend the amendment include discussion on the steps needed to seek a time scheduled order in accordance with Section 13300 of the California Water Code if additional time is necessary to implement advanced BMPs.</p>

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
5	Role of Numeric Action Levels (NALs), TMDL NALs (TNALs), and Exceedance Response Actions (ERAs).	I.M. (Pg. 13)	<p>The language in Section I.M. discusses the role of NALs, TNALs, and Exceedance Response Actions but the section heading does not include TNALs. <i>Recommended change shown in redline/strikeout text:</i></p> <p>M. Role of Numeric Action Levels (NALs), TMDL NALs (TNALs), and Exceedance Response Actions (ERAs)</p>
6	E. Responsible Dischargers with a NEL exceedance are in violation of this General Permit and must comply with the Water Quality Based Corrective Actions, as defined in this General Permit in Section XX.B. Responsible Dischargers shall continue to comply with the General Permit and perform ERAs as necessary for Table 2 exceedances.	VII.E. (Pg. 26)	It would be helpful to provide an appendix with the MMPs that would be expected in the event of an NEL exceedance.
7	F. Responsible Dischargers in compliance with a NEL for a TMDL in Attachment E are in compliance with the receiving water limitations for the water body pollutant combination addressed by the TMDL.	VII.F. (Pg.26)	This provision is appropriate and should be retained.
8	G. Responsible Dischargers with discharges that do not exceed the level of a TNAL for a TMDL in Attachment E are in compliance with the receiving water limitations for the water body-pollutant combination addressed by the TMDL.	VII.G. (Pg. 26)	This provision is helpful. Need to clarify that implementing the compliance option yields the same.

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
9	Compliance with Alternative Compliance Options	VII.. (Pg. 26)	<p><i>Recommended change shown in redline/strikeout text:</i></p> <p><u>H. The State Water Board allows Dischargers statewide to comply with the alternative compliance options in Attachment I in lieu of complying with applicable NALs, Discharge Prohibitions, TMDL waste load allocations (WLAs), and Receiving Water Limitations. Dischargers are still required to comply with applicable Subchapter N effluent limitations.</u></p>
10	Clarification needed for applicability of IGP to land owners	Glossary: Attachment C (Pg. 2)	<p>Clarify that the Land Owner is not considered the discharger if the land owner is not the person, company, agency, or other entity that is the operator of the industrial facility covered by this General Permit.</p> <p><i>Recommended change shown in redline/strikeout text:</i></p> <p>Discharger A person, company, agency, or other entity that is the operator of the industrial facility covered by this General Permit. A <u>Land owner is not considered the discharger if the land owner is not the person, company, agency, or other entity that is the operator of the industrial facility covered by this General Permit.</u></p>

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
11	Add definition of Groundwater	Glossary: Attachment C (Pg. 3)	Recommend including a definition of groundwater. <u>Groundwater</u> <u>Subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.</u>
12	Add definition of Aquifer	Glossary: Attachment C (Pg. 3)	Recommend adding a definition for aquifer: <u>Aquifer</u> <u>Ground water bearing formations sufficiently permeable to transmit and yield significant quantities of water.</u>
13	Add definition of Groundwater Basin	Glossary: Attachment C (Pg. 3)	Recommend adding a definition for groundwater basin: <u>Groundwater Basin</u> <u>A hydrogeologic unit containing one large aquifer or several connected and interrelated aquifers.</u>

14	Add definition for Compliance Option-regulated Groundwater	Glossary: Attachment C (Pg. 3)	<p>Recommend adding a definition for Compliance Option-regulated Groundwater:</p> <p><u>Compliance Option-regulated Groundwater</u> <u>Groundwater that is to be protected as an existing or potential sources of municipal and domestic water supply. This includes all groundwater except:</u></p> <p><u>1. Where the Regional Board has deleted the Municipal and Domestic Supply (MUN) beneficial use designation in the portion of hydrologic groundwater units, areas or subareas. These are locations where available information indicated that the MUN beneficial use in portions of these hydrologic groundwater basins did not occur and were not likely to occur in the future.</u></p> <p><u>or</u></p> <p><u>2. In accordance with Resolution No. 88-63, Sources of Drinking Water Policy, groundwaters except where:</u></p> <ul style="list-style-type: none"> <u>- The total dissolved solids concentration of groundwaters exceed 3,000 milligrams per liter (mg/l);</u> <u>- The water source has a low sustainable yield of less than 200 gallons per day for a single well;</u> <u>- There is contamination that cannot reasonably be treated for domestic use with either best management practices or best economically available treatment practices;</u>
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			- <u>The groundwaters are regulated geothermal energy ground waters.</u>
15	Responsible Discharger A Discharger with Notice of Intent (NOI) coverage under this General Permit who discharges storm water associated with industrial activities (and Authorized NSWDLs) to impaired waterbodies or to an upstream reach or tributary to impaired waterbodies either directly or through a municipal separate storm sewer system (MS4) included in a U.S. EPA approved TMDL.	Glossary: Attachment C (Pg. 6)	This infers the industrial discharger must comply with the downstream TMDLs even if the discharger first discharges directly or indirectly into an unimpaired water body or an impaired water body that does not have a TMDL, which then flows to a water body with a TMDL. Please confirm this is the intent.
16	Total Maximum Daily Load (TMDL) The sum of the individual Waste Load Allocations (WLAs) for point sources and load allocations for nonpoint sources and natural background.	Glossary: Attachment C (Pg. 7)	A TMDL also includes a margin of safety to account for uncertainty in predicting how well pollutant reductions will result in meeting water quality standards. <i>Recommended change shown in redline/strikeout text:</i> Total Maximum Daily Load (TMDL) The sum of the individual Waste Load Allocations (WLAs) for point sources and load allocations for nonpoint sources, natural background, <u>and a margin of safety.</u>
17	Table E-1: List of Applicable TMDLs	Attachment E (Pg. 1)	Consider deleting this table. The subsequent table contains this information.

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes		
18	Incorrect footnote reference	Attachment E, Table E-1 (Pg. 2)	<i>Recommended change shown in redline/strikeout text:</i> <table border="1" data-bbox="1266 362 1892 464"> <tr> <td data-bbox="1266 362 1577 464">Marina Del Rey Harbor-Back Basins</td> <td data-bbox="1577 362 1892 464">Copper, Lead, Zinc, and Chlordane, and Total PCBs³¹</td> </tr> </table>	Marina Del Rey Harbor-Back Basins	Copper, Lead, Zinc, and Chlordane, and Total PCBs ³¹
Marina Del Rey Harbor-Back Basins	Copper, Lead, Zinc, and Chlordane, and Total PCBs ³¹				
19	Correct footnote reference	Attachment E (Pg. 2)	<i>Recommended change shown in redline/strikeout text:</i> ¹³ Polychlorinated biphenyls ² Dichlorodiphenyltrichloroethane		
20	Chollas Creek TMDL Pollutants	Attachment E (Pg. 45)	Should the Chollas Creek TMDL pollutants be dissolved or total Copper, Lead, and Zinc?		
21	Chollas Creek – Additional TMDL-related Numeric Action Level or Numeric Effluent Limitation (TNAL/NEL)	Attachment E (Pg. 45)	Need to add a footnote that accounts for the WER associated with Copper once it has been approved.		
22	Chollas Creek – Additional TMDL-related Numeric Action Level or Numeric Effluent Limitation (TNAL/NEL)	Attachment E (Pg. 45)	Need to add a footnote that accounts for the WER associated with Zinc once it has been approved.		
23	Need clarification on representative flow rate.	Attachment E (Pg. 46)	What is considered to be the representative flow rate? Does the RWQCB want to know about flow rate or flow volume. If flow rate, then is it peak flow rate or some other flow rate. Note that there are an infinite amount of flow rates that could occur. If the RWQCB is interested in knowing about flow volume, then it is recommended that the rainfall amount for the measured event be included. Please clarify		
24	Provisions can be consolidated	Attachment I: I.B and I.C (Pg. 1)	Recommend combining Provision B and C together.		

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
25	Requirement for a California licensed professional engineer to certify that all hydraulic calculations and BMP(s) operation parameters comply with Attachment I, Sections E and J.	Compliance Options - Attachment I: C (Pg. 2)	So there is no confusion, it is recommended that a California Licenses Civil Engineer be specified. This type of professional engineer is the only one qualified to perform this work in accordance with the California Professional Engineers Act.
26	General statement to protect groundwater	Compliance Options - Attachment I: D (Pg. 2)	<p>Recommend replacing "groundwater" with "Compliance Option-regulated Groundwater". See Definition provided in a prior comment.</p> <p><i>Recommended change shown in redline/strikeout text:</i></p> <p>The Discharger shall ensure that groundwater <u>Compliance Option-regulated Groundwater</u> is not degraded as a result of any infiltration BMP(s) as described in Section J.2 below.</p>

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
27	Requiring the BMP to recover capacity between 12:00 a.m. and 11:59 p.m. is too specific and does not account for storm events occurring during at any time during the day.	Compliance Options - Attachment I: E.3 (Pg. 2)	<p>Recommend not specifying the 24-hr period. Storm event timing will dictate the specific 24-hr recovery capacity period. Suggest defining the 24-hour period begin at the end of the rain event. The end of the rain event could be defined when there is no more the 0.01 inch of rainfall measured in each of six consecutive hours. Additionally, this provision should account for storage sized to exceed the 85th percentile, 24-hr event as well as any captured storm volume that has been worked off prior to the end of the event.</p> <p><i>Recommended change shown in redline/strikeout text:</i></p> <p>Recover capacity within a 24-hour period (the 24-hour time period is 12:00a.m. to 11:59p.m.) to capture and use, infiltrate, and/or evapotranspire runoff volumes generated up to and including the 85th percentile 24-hour storm event. <u>The end of the rain event is defined when there is no more the 0.01 inch of rainfall measured in each of six consecutive hours.</u> <u>Storage capacity that exceeds the 85th percentile, 24-hr event shall be accounted for when assessing the recovered capacity. Any captured storm volume that has been vacated shall also be accounted for when assessing the recovered capacity.</u></p>

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
28	The footnote does not establish the correct recovered capacity standard.	Compliance Options -Attachment I: Footnote (Pg. 2)	See prior comment.
29	General statement to protect groundwater	Compliance Options -Attachment I: 6 (Pg. 3)	Statement should be revised reflect protection of groundwater that needs to be protected. <i>Recommended change shown in redline/strikeout text:</i> The Discharger implementing infiltration BMP(s) shall address possible groundwater contamination <u>of Compliance Option-regulated Groundwater</u> from the BMP(s) operation by using one or more of the following methods:
30	The Discharger shall ensure that all influent entering the infiltration BMP(s) meets applicable Maximum Contaminant Level (MCL) criteria for industrial pollutants at the facility, as specified in Table A below. If the influent does not meet applicable MCLs on an instantaneous basis, the Discharger shall have a California licensed professional engineer:	Compliance Options - Attachment I: 6.a. (Pg. 3)	The definition of instantaneous needs to be clarified. The quality of the infiltrated runoff will not be known until laboratory results are provided.

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
31	Monitoring on a monthly basis is excessive and inconsistent with the discharge monitoring frequency specified in the Permit.	Compliance Options - Attachment I: 6.a.i (Pg. 3)	<p>Recommend monitoring be reduced to four times per year and be associated with the QSEs.</p> <p><i>Recommended change shown in redline/strikeout text:</i></p> <p>Install groundwater monitoring devices (e.g., lysimeters) to collect monthly samples of the infiltrated water below the infiltration BMP(s) to demonstrate compliance with MCLs for pollutants associated with industrial activities in the influent of the infiltration BMP(s). <u>Samples shall be collected four times per year in accordance with the QSE sampling frequency and periods.</u></p>
32	Disallowing the discharger to use groundwater monitoring devices in lieu of complying with pretreatment requirements is overly constrictive.	Compliance Options -Attachment I: 6.b (Pg. 3)	<p>This provision is too broadly constrictive and does not account for situation in which drywells are installed significantly above groundwater. The use of a lysimeter is intended to help determine if groundwater is being impacted. The differences between drywells and other infiltration technologies do not affect the purpose of using a lysimeter.</p>

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33	In some cases, the Basin Plans allow TDS to exceed 500 mg/L.	Compliance Options - Attachment I: Table A (Pg. 4)	<p>Basin Plans contain some groundwaters that have higher allowable concentrations. Statement should be revised to be consistent with Basin Plan water quality standards.</p> <p><i>Recommended change shown in redline/strikeout text:</i></p> <p>Pollutants associated with industrial activities in the influent of the infiltration BMP(s) shall not exceed 500 mg/L <u>unless the Basin Plan allows for a higher concentration.</u></p>
34	Upon implementation and operation of the BMP(s), and compliance with the On-Site Compliance Option requirements in this Attachment, the status of Baseline, Level 1, or Level 2 is no longer applicable.	Compliance Options - Attachment I: F.4 - Implementation Schedule (Pg. 5)	We agree with this provision and request that it be retained.
35	Requiring the BMP to recover capacity between 12:00 a.m. and 11:59 p.m. is too specific and does not account for storm events occurring during at any time during the day.	Compliance Options - Attachment I: Footnote (Pg. 6)	See prior comment.
36	General statement to protect groundwater	Compliance Options - Attachment I: J.2. - Protection of Waters of the State (Pg. 7)	<p>Statement should be revised reflect protection of groundwater that needs to be protected.</p> <p><i>Recommended change shown in redline/strikeout text:</i></p> <p>The migration of pollutants that cause or contribute to the exceedance of a water quality objective in <u>groundwater Compliance Option-regulated Groundwater</u> is prohibited.</p>

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
37	General statement to protect groundwater	Compliance Options - Attachment I: J.2.a - Protection of Waters of the State (Pg. 8)	Statement should be revised reflect protection of groundwater that needs to be protected. <i>Recommended change shown in redline/strikeout text:</i> Prevent captured and/or infiltrated storm water from causing or contributing to the exceedance of a water quality objective in <u>groundwater Compliance Option-regulated Groundwater</u> .
38	General statement to protect groundwater	Compliance Options - Attachment I: J.2.b - Protection of Waters of the State (Pg. 8)	Statement should be revised reflect protection of groundwater that needs to be protected. <i>Recommended change shown in redline/strikeout text:</i> Prevent the migration of existing soil contamination to <u>groundwater Compliance Option-regulated Groundwater</u> and not interfere with any current remedial activities for existing groundwater contamination in the vicinity of the facility; and,
39	General statement to protect groundwater	Compliance Options - Attachment I: J.2.c - Protection of Waters of the State (Pg. 8)	Statement should be revised reflect protection of groundwater that needs to be protected. <i>Recommended change shown in redline/strikeout text:</i> Address other similar factors which may degrade <u>groundwater Compliance Option-regulated Groundwater</u> .

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
40	General statement to protect groundwater	Compliance Options - Attachment I: 3.a - Infiltration and Groundwater Protection (Pg. 8)	Statement should be revised reflect protection of groundwater that needs to be protected. <i>Recommended change shown in redline/strikeout text:</i> Infiltration BMPs must not cause or contribute to an exceedance of an applicable groundwater <u>Compliance Option-regulated Groundwater</u> quality objective.
41	Municipal Permits require that the invert of infiltration BMPs have a 10-foot minimum separation from groundwater. This prevent the use of drywells, which can be designed to infiltrate stormwater below perched groundwater.	Compliance Options - Attachment I: 3.b - Infiltration and Groundwater Protection (Pg. 8)	Recommend the opportunity to install drywells below a perched groundwater zone so long as the drywell is sealed in the zone above and within the perched groundwater zone.
42	There is no specified time by which the Regional Water Board Executive Officer has to approve supporting information.	Compliance Options - Attachment I: 3.e - Infiltration and Groundwater Protection (Pg. 8)	Please provide the timing by which the Executive Officer will review and approve or deny.
43	Need clarification of regional groundwaters as presented in the following statement: The applicable Regional Water Board Executive Officer has the authority to review site-specific information and disapprove any On-Site Compliance Option as a permissible Compliance Option for the Discharger to address regional groundwater concerns.	Compliance Options - Attachment I: K.1. - Additional Regional Water Board Authorities for Dischargers Implementing the On-Site Compliance Option (Pg. 8)	What are regional groundwaters?

No.	Issue	Location in Permit Amendment	Comment <u>Redlined/Strikeout</u> are Recommended Changes
44	<p>Need clarification of regional groundwaters as presented in the following statement:</p> <p>The Regional Water Board Executive Officer may require, in writing, the Discharger to modify the facility's SWPPP to demonstrate compliance with the On-Site Compliance Option or address other regional groundwater concerns. The Discharger shall submit the required SWPPP modifications by the Regional Water Board required due date, or no later than 90 days, whichever is shortest.</p>	<p>Compliance Options - Attachment I: K.2. - Additional Regional Water Board Authorities for Dischargers Implementing the On-Site Compliance Option (Pg. 8)</p>	<p>What are regional groundwaters?</p>
45	<p>General statement to protect groundwater</p>	<p>Compliance Options - Attachment I: 3.a - The Regional Water Board may require additional information or modifications to the facility's SWPPP and/or BMP(s) to address: (Pg. 9)</p>	<p>Statement should be revised reflect protection of groundwater that needs to be protected.</p> <p><i>Recommended change shown in redline/strikeout text:</i></p> <p>Exceedances of <u>groundwater Compliance Option-regulated Groundwater</u> standards;</p>
46	<p>General statement to protect groundwater</p>	<p>Compliance Options - Attachment I: 3.b - The Regional Water Board may require additional information or modifications to the facility's SWPPP and/or BMP(s) to address: (Pg. 9)</p>	<p>Statement should be revised reflect protection of groundwater that needs to be protected.</p> <p><i>Recommended change shown in redline/strikeout text:</i></p> <p>Impacts to <u>groundwater Compliance Option-regulated Groundwater</u> beneficial uses; or,"</p>

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47	General statement to protect groundwater	Compliance Options - Attachment I: 3.c - The Regional Water Board may require additional information or modifications to the facility's SWPPP and/or BMP(s) to address: (Pg. 9)	Statement should be revised reflect protection of groundwater that needs to be protected. <i>Recommended change shown in redline/strikeout text:</i> Impacts to the groundwater <u>Compliance Option-regulated Groundwater</u> quality due to the infiltration of the industrial authorized NSWDS and/or storm water discharges at the Discharger's industrial facility.
48	The following statement does not provide criteria that will be used. The State Water Board Executive Director or the applicable Regional Water Board Executive Officer may authorized the discontinuation of groundwater monitoring if no threat to groundwater is determined	Compliance Options - Attachment I: 4 - The Regional Water Board may require additional information or modifications to the facility's SWPPP and/or BMP(s) to address: (Pg. 9)	Please explain the criteria that need to be met and the process that must be followed to seek discontinuation of groundwater monitoring.
49	The following provision does not include private projects. The Discharger may enter into a local agreements with the local municipality(ies) to participate in the development, implementation, and operation of an off-site storm water capture and infiltration BMP provided the following criteria are met:	Compliance Options - Attachment I: III.A - Off-Site Compliance Option (Pg. 9)	Recommend Off-site compliance also include private projects.

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50	<p>This following provision does not account for projects that do not use infiltration but do use stormwater as a resource.</p> <p>The Discharger may enter into a local agreements with the local municipality(ies) to participate in the development, implementation, and operation of an off-site storm water capture and infiltration BMP provided the following criteria are met:</p>	Compliance Options - Attachment I: III.A - Off-Site Compliance Option (Pg. 9)	This must be broadened to allow for other BMP avenues. For example, the City of San Diego's PURE Water Program should be eligible as an off-site compliance option.
51	<p>The following statement provides significant burden and detailed information that may not be known to the discharger.</p> <p>¹³ The BMP has not met the standards if the BMP is not able to recover its capacity through use, infiltration and/or evapotranspiration within a 24 hour period.</p>	Compliance Options - Attachment I: Footnote (Pg. 9)	The industrial discharger should not be responsible for verifying the Off-site Compliance BMPs meet this standard. It should be the responsibility of the owner/operator of the BMP.
52	For Discharger selecting the Off-Site Compliance Option, they must comply with the Monitoring and Records requirements in Section XXI.J of this General Order.	Compliance Options - Attachment I: F.1 - Monitoring, Reporting and Storm Water Pollution Prevention Plan (SWPPP) Update Requirements (Pg. 10)	If there is no monitoring and associated records, then why is this provision necessary? Provision should be deleted.
53	For Discharger selecting the Off-Site Compliance Option, they must provide a copy of the operation and maintain plan(s) for the Off-Site BMP(s) that receives the facility's discharge.	Compliance Options - Attachment I: F.2.f - Update their SWPPP to include: (Pg. 11)	Why is it the responsibility of the discharger to provide this document? This should be the responsibility of the organization operating the off-site BMP. Provision should be deleted.

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54	<p>Provision III.D above precludes the need for monitoring associated with this General Permit. Any monitoring would be done as a condition of the Off-site compliance agreement.</p> <p>Summary of actions (e.g., monitoring, structural BMPs, non-structural BMPs, training) the facility completed the past Reporting Year¹⁶;</p>	Compliance Options - Attachment I: F.4.c (Pg. 11)	Statement should be revised to only include items that discharger is responsible for.
55	Why should the discharger be responsible for providing the status and schedule of the local agreement project(s) completed this Reporting year	Compliance Options - Attachment I: F.4.e (Pg. 11)	This provision is the responsibility of the entities that are managing the off-site compliance BMPs and not the discharge. Provision should be deleted.
56	Why should the discharger be responsible for providing the status and schedule of the local agreement project(s) planned for implementation over the next two years;	Compliance Options - Attachment I: F.4.f (Pg. 11)	This provision is the responsibility of the entities that are managing the off-site compliance BMPs and not the discharge. Provision should be deleted.